

MERGER OF CUMBRIA AND LANCASHIRE POLICE AUTHORITIES

Report by the Clerk and Chief Executive

SUMMARY

This report is much updated from my last report to the Authority's AGM on **28th June 2006**. The merger process has now run its course and the Authority needs to seal it with final decisions. For one last time, this report is:

- (i) to **recap** on where the Authority has got to in the process; and
- (ii) to **record in a public document** its reasoning for decisions made; and
- (iii) to **update** members on **key developments** and their implications.

Recommendation:

Members are asked to note this report and agree actions to conclude the process.

BACKGROUND

If April 2006 brought the 150th anniversary of police forces founded under the County Police Act 1856 (including the Cumberland & Westmorland Constabulary which became the Cumbria Constabulary in 1967), it was left unremarked because forces across England & Wales were from September 2005 busy devising new structural arrangements under tight timelines and regional parameters set by government.

On **24th February 2006**, Cumbria and Lancashire Police Authority together became the only example of each police authority within a grouping prescribed by Her Majesty's Secretary of State for Home Affairs (the Home Secretary) to volunteer for merger as he required. However (although this key feature of their position has consistently been omitted from all reporting of the situation), their agreement to volunteer was only ever provisional and subject to the satisfaction by government of six conditions. In a meeting on **10th July 2006**, government finally admitted it could not fulfil at least one of those key requirements for Cumbria and Lancashire. This historic announcement '*broke the dam wall*' on all mergers in England & Wales, none of which are now likely to proceed in the immediately foreseeable future, and leaves this Authority to decide on its final position in the light of that announcement.

The HMIC Report

In September 2005, a report ("*Closing the Gap*") commissioned by the Home Secretary from Mr Dennis O'Connor of Her Majesty's Inspector of Constabulary (HMIC) said the current 43 force structure in England and Wales was not "*fit for purpose*" to deliver "*protective*" policing services "*in the 21st century*" and lacked capability to confront the serious crime and policing demands this term covers. His report recommended bigger, '*strategic forces*' of at least 4,000 officers and 2,000 police staff. The then Home Secretary, Charles Clarke MP, strongly agreed.

All Police Authorities have the legal duty to “*secure the maintenance of an efficient and effective police service in their area*” (section 6 Police Act 1996) and publication of the HMIC report immediately put them on notice their arrangements for “protective policing services” might not be. This legally-obliged them to consider carefully what they should do about it, within the limitations of time and discretion allowed them.

The Home Secretary’s powers

Under **section 32** of the **Police Act 1996**, it is in fact only a police authority which can request an alteration in its police area, not a force – a point consistently overlooked in all media reporting of this process. However, if a police authority does not volunteer, merger can be enforced by the Secretary of State anyway, under the same section. This overlooking was conceivably reflected in the Home Secretary’s direction of **22nd September 2005** when he required all police forces to review their capacity and present him with options for merger, pre-limited according to a regional pattern his office set for them. In Cumbria, his pattern excluded from consideration several neighbouring forces with whom it shares a history of operational collaborations in favour of forces to the south, along the M6 corridor, according to the standard Home Office map of policing regions distributed with his direction.

Charles Clarke’s “*fastest possible timescale*” for firm proposals for restructuring by **31st October 2005** led on to many forces - but only some authorities - being able and willing to submit final ‘Business cases’ for change by his **23 December 2005** deadline. One following the Association of Police Authorities (APA) position and declining to submit proposals was the Cumbria Police Authority, but Chief Constable Mr Michael Baxter’s detailed Business Cases, offering his professional opinion on the different options available and assessing their merits, were shared by him with the Authority and submitted to government by December. These comparative Business Cases came to provide the legal basis for Charles Clarke’s published finding of **3rd March 2006** that, for Cumbria Constabulary, “*the best, most efficient and effective policing option*” was for their amalgamation with the Lancashire Constabulary.

The Authority’s resolution

By **3rd March 2006**, this Authority had complied with the Home Secretary’s very last deadline of **24th February 2006** for “*Wave One*” police authorities identified by his office to volunteer under section 32(3)(a). Representatives called to London were told by Charles Clarke in person that, if they did not volunteer (as he hoped), then his powers under section 32(3)(b) would be used to initiate compulsory amalgamations. After O’Connor, the keynote advice was and remains that “*No change is not an option*”, reinforced when “*Wave One*” authorities not volunteering found themselves subject of coercive notices for merger issued under section 33 police Act 1996.

To this day, it is striking how few public observers or commentators have understood or effectively explained how the resolution for amalgamation passed (**Appendix 1**) on a recorded majority vote, at the Cumbria Police Authority’s special meeting of **24 February 2006** was and remains conditional on government satisfying six key factors. Neither have these commentators understood that - although undoubtedly persuaded of the case for merger in the circumstances prevailing at the time - this Authority did not commit itself conclusively, but was instead reserving its final position. (The contractual/technical format and legal wording adopted for this conditional, Cumbrian resolution to volunteer was expressly designed to provide the protection of a dual purpose ‘vehicle’ – one which could either provide the effective means of merger, if all went well, or an ‘escape capsule’ if government or others failed to deliver).

Sources of advice / opinion relied on for the decision

1. Home Office: Said larger, strategic forces would safeguard and strengthen policing at neighbourhood level without diverting local resources away; because of their resilience and capacity, through size, to manage major incidents or handle major investigations. Local policing based upon the needs and concerns of local communities to be preserved and delivered through the BCU (Basic Command Unit) whilst, as Police Authorities became more strategic and remote, compensating arrangements for local accountability to be created under the Police & Justice Bill.

2. Policing professionals: Both before **24th February 2006** and since, unequivocal advice from the Chief Constable and the Deputy Chief Constable, Mrs Christine Twigg, identified amalgamation with Lancashire as producing the best operational outcomes for policing in Cumbria; reinforced by matching assurances from Her Majesty's Inspector of Constabulary (Mr Kenneth Williams KCVO QPM) renewed in person at the Authority's meeting on **26th April 2006**. Chief Constable Michael Baxter QPM has been robust in his conviction that, in the circumstances faced by the Constabulary and the Authority, merger was the right option. Similarly, Lancashire's acting Chief Constable, Steven Finnigan QPM, was strongly in favour of the merger, relying on cost-benefit analyses suggesting that it would produce savings for reinvestment in Protective services within a short period of time (even if not within the very first year). These and stated requirements of the Home Secretary together constituted levels of guidance no conscientious Police Authority could safely ignore.

Alternative, lateral solutions for filling the policing 'gap' identified by O'Connor (such as the collaboration approach propounded by the APA) were specifically disapproved of early on, as offering poor prospects – witness Charles Clarke's dismissive statements of autumn 2005. Mergers were the only solution acceptable or allowed.

3. Financial: The Authority's Treasurer, Mr Douglas Thomas, consistently advised how the increasingly-unfavourable financial position of the Authority, year-on-year (inequitable product of government's labyrinthine funding formulae for policing) meant the burden of fiscal support for policing increasingly devolves upon local taxpayers; just as inspection standards for policing method or organisation become increasingly-prone to require uniform, metropolitan levels of expenditure; whether or not metropolitan population levels are available with enough ratepayers to pay for it.

4. Public and stakeholder opinion: From wide-spread public consultations carried out by both Authority and Constabulary, from September 2005 onwards, and by keeping up to date with local reporting in the media, Members were well aware of the public's view in Cumbria of these proposals. If opposition grew after the decision, it showed itself lacking the compelling information or advice before decision makers, whilst uncertainty about political support for strategic forces began to grow nationally only after the Cabinet reshuffle in May replaced Charles Clarke, and from the tenor of his successor, John Reid's speeches. Locally, a recent letter to the Authority from the leaders of Cumbria County Council seeking deferral was circulated at the 28th June 2006 AGM but a similar letter from Carlisle City Council, notifying their resolution of 29th June 2006 to call on the Authority to delay the merger, was not received until 11th July (after our formative meeting with Tony McNulty, the day before).

Update - latest developments:

Locally, the two authorities and constabularies have continued to work very closely together to make the merger effective. The Joint Programme Board structure between the forces and authorities created '*Workstream*' boards and projects, and a dedicated team of 41 officers, all of whose hard work was directed to a timescale capable of delivering the new combined organisation as intended on 1 April 2007.

On **23rd May 2006**, the two Chief Executives again met Home Office officials responsible for drafting the parliamentary order. Although the crucial issue of council tax harmonisation could not be finalised there, because of continuing internal debate between government departments, the rest of the order was reviewed and very largely agreed. Senior civil servants were strongly reminded of the strict reporting deadlines applying to an accountable public body like a police authority. It was also emphasised how council tax harmonisation remained a potential “*deal-breaker*”; a point renewed when meeting newly-appointed policing minister, Tony McNulty, the following day, the 24th, and in the two Chairs’ follow-up letter to him of **25th May 2006**.

On **19th June 2006**, Dr John Reid MP, as the new Home Secretary, made a statement to the House supporting the general ‘direction of travel’ but indicating that timescales might be extended, with no enforced mergers before 1st April 2008. (Significantly for what followed, he only used the word “*hope*” about his office laying the negative order for voluntary merger of Cumbria’s and Lancashire’s forces).

On **22nd June 2006**, the policing minister again met representatives of Cumbria and Lancashire forces and authorities, to issue an improved offer of financial support for the merger and call himself “*cautiously optimistic*” of overcoming the council tax harmonisation problem. His revised offer of £17.8m was set against the latest estimate of costs of £23.45m for the merger as a whole, and reflected most (but not all) of the points made in earlier negotiations with the Home Office by the two Treasurers at the end of April. On **28th June 2006**, at its AGM, Cumbria Police Authority gave until **13th July 2006** for government to come up with its conclusive statement of terms for the merger, fixing **25th July** as the final meeting where it would decide on the acceptability of that information. (Lancashire meets on the **27th**).

At a preview meeting called in London for Cumbria and Lancashire Police Authorities, on Monday, **10 July 2006**, the Policing Minister was apologetic and admitted that the Government was unable to find a solution to the problem of Police Council Tax equalisation. On that basis he realised it was most unlikely the Cumbria and Lancashire merger would go ahead. (Since all the terms of even a voluntary order for merger – including those dealing with rate harmonisation - must also be acceptable to the Home Secretary before he signs it, this reality must mean that it is effectively government which has called a halt). The news when it broke after a joint press release had obvious implications for all other police mergers and – as the Chief Constable told the media – “*If they can’t do it for us, they can’t do it for anyone*”.

In a subsequent speech to the LGA, on the morning of Wednesday, **12th July 2006**, Tony McNulty said there would be no enforced mergers, but insisted they would still reverse a Lords amendment to the Police & Justice Bill removing the Home Secretary's power unilaterally to amalgamate police force areas, as this power may be needed in future. He said: “*There is now the time, for local government, as well as police authorities, police forces themselves, and other interested parties - to collectively tell us, in each and every region, if not this way – then what way?*”

That afternoon, Tony Blair told ‘Prime Minister’s Question Time’ that mergers were “*still on the agenda*” and that, for Cumbria and Lancashire “*The reason for the difficulty there is that they cannot agree on the equalisation of the precept—but it is still important, and will be important in parts of the country, for there to be either a merger of forces or a far better strategic capability that crosses borderlines*”. (A letter of protest – **Appendix 2** - has therefore been sent to the Prime Minister from the Authority about his apparent representation of responsibility and a reply is awaited).

Also on **12th July 2006**, the Home Secretary told the first meeting of his new, 'National Policing Board' that the ultimate goal remained as outlined in '*Closing the Gap*' - namely to improve Protective Policing Services so that all forces had the necessary capacity and resilience to tackle terrorism and serious crime and to protect neighbourhood policing. He reiterated his statement to the House on **19th June 2006** that it had never been his wish to force people by '*dictat*' into mergers they did not want, if it was possible to achieve change by other means and through discussion. Enforced mergers were not, therefore, on the agenda at present and consequently he would not be bringing forward orders to give effect to them. On Thursday **13th July 2006**, the Home Office sent letters to all police authorities previously issued with s.33 orders for forced amalgamations, confirming he was withdrawing them.

Update - the six conditions for volunteering:

If not for the effects of the **10th July 2006** meeting with the Policing Minister, Members' final decisions today, about (i) whether their preconditions were met and (ii) if the draft Order was acceptable, were always going to be as significant as those of **24th February 2006**. Assuring the legal integrity of the process has been key priority throughout. Members knew legal and moral obligations in 'Due Diligence' meant satisfying themselves not just about finance but also a whole range of other matters comprised within the six conditions. This section reviews the final position on each:

(1) "Operational and Protective Policing services (for improving their efficiency and effectiveness of delivery, in the best interests of policing Cumbria)"

Once Charles Clark had cited Dennis O'Connor's "*Closing the Gap*" report for his findings of **22nd September 2005** and issued his formal "*Case for amalgamation*" on **3rd March 2006**, achieving the above provided core imperative for this 'change programme'. It follows that an Authority volunteering on that basis must take this target as primary outcome, provided they are satisfied it would not detract from levels of neighbourhood policing delivered as well. Members would have wanted to be satisfied and reassured about how those improvements in Protective Services were to be brought about – facing 'capping' and without certainty of adequate funding it now appears inconceivable that a merger could provide the outcomes wanted.

[Summary: *Members had professional advice to the effect that this improvement would occur, but if the council tax harmonisation mechanism to be adopted can only store up financial penalties in the future, that confidence fades].*

Recommendation: Reject, as finance and resourcing issues now mean condition (1) is unlikely to be satisfied.

(2) "Finance (in Start-up and Transitional costs; Grant Funding formulae applied)" and (3) "Precept equalisation"

Primarily for the Treasurer as its section 151 LGA officer to advise upon (see his separate agenda item 5), but the original February offer of '*pathfinder*' monies from government to support the cost of the amalgamation process in Cumbria and Lancashire was crucial to the first decision to volunteer, even if only conditionally. On Thursday, **22nd June 2006**, Chairs, police and authority officers from both Cumbria and Lancashire met with Tony McNulty MP, where the Home Office announced its willingness to increase its offer of restructuring grant from £14.0m to **£17.8m**.

[Summary: Offer of start-up support monies of £17.8 m could have been satisfactory, with potential to develop claims closer to £20m, but all are subject to identifying a satisfactory rate harmonisation mechanism, too, per (3) below].

Recommendation: Accept condition (2) as satisfied.

(3) Council Tax Precept harmonisation/equalisation

Council tax harmonisation was always known as a critical issue for both authorities. On **24th February 2006**, both Authorities specified it as a condition for volunteering; based on government agreeing its phasing over a period of time, the preference being for *up to* three years in three equal steps (an increase of £4.55 each year for a Band D taxpayer in Lancashire and a reduction of £12.10 each year in Cumbria).

This difference in the current levels of council tax between the two authorities is entirely unconnected with the costs and savings of the merger itself. Negotiations produced an improved offer from government of at least £17.8m towards estimated set-up costs for merger of £23.45m. Since joint savings from the merger have been put by the two authorities at some £5m annually (the Home Office had a more optimistic figure of £8.3m pa), estimated local 'payback' for the merger was within just one year - after that, savings were expected every year, for reinvestment in the local policing service. Financially, this is what made the merger a viable proposition.

If the two authorities had had broadly similar council taxes to start with, the financial issues would have ended there. However, the current Band D council tax in Cumbria, £163.08, is some £50 more than that in Lancashire, at £113.09. Sooner or later, the new authority would have had to levy a single council tax across its whole area. The result on these figures would have been an increase of £13.65 in Lancashire and a reduction of £36.34 in Cumbria, producing a common figure of £126.74.

If these changes were no more than the same amounts of money being moved around in a different way – the “*three glasses of water*” example –through collecting the same levels of council tax in a different way across the whole area, it seems that the Lancashire change, being an increase, breached government ‘capping’ policy (a realm where Cumbria is particularly sensitive, after its ‘nomination for capping’ over a nominal £138,000 ‘excess’ claimed by government for 2004-05).

Since existing legislation on ‘capping’ would not have caught the Lancashire increase on its own, the Home Office felt obliged to write a new ‘capping’ rule into the Amalgamation Order to prevent it. But if the increase were prevented in this way, then the only way of achieving a common council tax would be to reduce the Cumbria council tax even further. The result of this would be to cut far more out of the policing budget than could ever be saved by the merger. In overall terms, the merger would therefore fail in its principal objective, that of putting more resources into Protective Services to close the ‘Gap’ which O’Connor had reported.

As early as his **19th September 2005** announcement, this issue was highlighted as important to the then Home Secretary by an ACPO representative. Reminders and reassurances were being given to and renewed by government during the months following: for example, on **18th November 2005**, Lancashire Police Authority wrote again to the then Home Secretary about it. Home Office responses seemed pre-occupied with the timescale over which harmonisation occurred: *“the key question is whether this levelling of precepts should happen in one step or be smoothed over several years”* but first indications that capping control would be exerted over the process only appeared as the parliamentary Amalgamation Order was being worked up and shared with the two authorities. (Home Office legal opinion supported using the amalgamation order, rather than primary legislation, to phase it in).

From **March to June 2006**, both authorities, jointly and individually, drew ministers and senior civil servants' attention to this issue's prominence as a *“Deal-breaker”*. On **4th July 2006**, the two authority Chairs wrote again to the Minister about it, insisting that merger *“should pose no additional risk to the future spending power of the new authority”* and making it clear that, if the approaches to 'capping' which civil servants were suggesting in May's draft of the amalgamation order were not removed, then the two authorities would be very unlikely to proceed with their voluntary proposal.

[Summary: *10th July 2006: The Minister admits government's inability to solve this*].

Recommendation: Reject, as this fundamental condition (3) is not satisfied at all.

(4) “Governance of police authorities (in Transitional; Strategic and sub-strategic accountability, including precept & membership arrangements)”;

Accountability

While existing police authorities take their responsibilities for providing local accountability to the public and taxpayers, under s.96 Police Act, very seriously; the likely effectiveness of whatever arrangements may be brought in through the Police & Justice Bill to fill the vacuum of contact inevitable as Police Authorities go 'strategic' - and so more remote - remains uncertain.

[Summary: *Wait and see*].

Recommendation: Accept this part of condition (4) as likely to be satisfied.

Membership

An important arrangement is the membership of the 27-member 'shadow' or transitional authority and 10 had been identified from Cumbria's existing membership. After two years, the Home Office stated its expectation that membership of the new strategic authority would have reverted to 23, of whom 6 would have been from Cumbria, although the 25th April letter from Hazel Blears MP (the then Policing minister) implied there might be room for discussion.

[Summary: *Reasonable representation obtained*].

Recommendation: Accept this part of condition (4) as also satisfied.

(5) “Human Resources (assuring fair treatment for police officers & police staff to build an organisation fit to deliver)”

As a matter of law, this Authority is the employer of **886** police staff serving Cumbria Constabulary, although legally under the direction and control of the Chief Constable by section 15(3) Police Act 1996. (Only the **3** full-time and **5** part-time staff working directly in support of the Police Authority itself are *not*). Cumbria Police Authority takes its obligations towards its employees seriously, which is why this issue was explicitly set out as an important condition for separate satisfaction before merger

Terms and conditions of police staff vary locally but are negotiated nationally with the Police Staff Council (PSC) whose work towards establishing a national framework for staff issues arising from amalgamations expected by the end of **April 2006**. A national scheme beneficial in bringing certainty and consistency, reduces chance of more favourable treatment for those whose forces merged later. Effect of announcements by John Reid on **19th June 2006** meant that no such scheme would be available to inform the Cumbria / Lancashire situation on merger. Home Office position (**22nd June 2006**) is that since no work done nationally staff terms and conditions must be resolved locally. The only national statement from the PSC (May 2006) was that minimum statutory rights on transfer and/or redundancy, including TUPE regulations, would apply to all police staff. No additional protections were on offer for police staff since location questions for key services are still unanswered.

There are **1266** police officers in Cumbria. Transferring them to the new combined force was dealt with in the Amalgamation Order and constructive engagement with Federation representatives continues, whilst the Superintendent’s Association has consistently been in favour of force mergers throughout. So far as the **4** chief police officers are concerned, they, like other police officers, are not employees. Unlike other officers, the chief officers are appointed by the Authority itself, which is the body agreeing their terms. That is why the draft amalgamation order must also deal effectively with their transfer and/or severance terms. As a result, the Chief Police Officers Staff Association (CPOSA) met with government and the APA at the Police Negotiating Board (PNB) Chief Officer’s Committee on **16th June 2006**, to produce an agreed severance benefits package.

[Summary: *Good in parts. Condition only fulfilled so far as likely- acceptable terms identified for transfer or severance of Chief Police Officers, but Police staff only assured of bare legal minimum and no work at all been done re police authority staff].*

Recommendation: Reject, as PSC position meant treatment of large numbers of staff subject to condition (5) could not be addressed in time for the final deadline.

(6) “Timetabling (establishing certain timing and a smooth change-process)”

The programme of work to establish a combined Strategic Police Authority for the two areas under a scheduled Work-Plan, in conjunction with the two Constabularies’ own Workstreams, and under the oversight of a Joint Programme Board, meant basic amalgamation could probably have been achieved by **1st April 2007**, if the Home Office had been able to provide conclusive information by the **13th July 2006** deadline set for it by the Authority at its last meeting on **28th June 2006**. (It has not).

[Summary: *The merger process having begun with a timetable for actions imposed by government - one which this authority described as “indecent haste” but kept to - the Home Office itself, further handicapped by a high turnover in civil servants dealing, has not been able to keep to the final deadlines and timetable set for it in turn by this authority. It has now overrun the very last date by which an acceptable Order could have been signed in time to have constituted a new Authority, recruited a Chief Constable, and prepared for a new force to be effective by 1st April 2007].*

Recommendation: Reject, as overrun means condition (6) cannot now be satisfied.

Update - the Amalgamation Order:

The Amalgamation Order was a crucial element. As the legal engine for merger it was to be put before the Authority for final approval before its signature by the Home Secretary made it binding. Cumbria led for both authorities on negotiations with the Home Office, giving opportunities for more favourable outcomes in Cumbria whilst attracting great national interest as a precedent or a template for those Authorities which might follow. (NB: Still not approved by Parliamentary Counsel, so their amendments could still generate a (14th) version of the draft).

As delivery mechanism under law for amalgamation made under the Police Act, it would specify the key terms. Apart from harmonisation, most matters identified by the Authority as its conditions for volunteering should have been resolved by the Order's contents. By 7th July 2006 they nearly had, in negotiation with the Authority's officers – subject to one other, significant and unresolved concern: over the Secretary of State's apparent unwillingness within the actual body of the (13th) draft Order itself to confirm and certify that this merger would be “efficient and effective”.

[Summary: *Fit for purpose, except for the certification point above and the missing paragraphs about council tax harmonisation already mentioned].*

Recommendation: Accept most terms of draft Amalgamation Order (subject to Secretary of State agreeing to make certification within body of order, and no surprises from parliamentary counsel) but fatal caveat re missing harmonisation.

CONCLUSION:

Although a decision to withdraw the Authority's voluntary proposal for merger has been widely trailed in the media, as if already made; and although the Minister's announcement removes any discretion; this Authority still needs to give the formal verdict on all the conditions which it set for volunteering on 24th February 2006.

Recommended that:

Members (i) **note this report** and (ii) **agree the individual findings** set out above for the six conditions, before (iii) **authorising the five courses of action** identified below:

Recommended actions

1. **Withdrawal** of the Authority's conditional offer to volunteer under section 32 Police Act 1996 for merger of its police area with that of the Lancashire Police Authority, on the basis conditions specified in the resolution are not satisfied;

2. **Withdrawal** of the authority's nominations of 26th April 2006 made under Standing Order 16 of certain members to the meeting of the putative Strategic Police Authority scheduled for 1st June 2006 then 1st September 2006;
3. **Pursuit** by its officers (Chief Executive and Treasurer, in consultation with the Chief Constable) of the Home Office, for their reimbursement of those abortive costs incurred by the authority and the constabulary in pursuing the government's merger programme between September 2005 and July 2006; [NB: *Home Office have already agreed to underwrite the additional £310k costs of accommodating the joint programme team in new offices at Lancaster, and agreed a £500k 'lessons learned' package, but there may be other avenues to pursue*].
4. **Recruitment** to the two places currently left unfilled on the Authority due to pending amalgamation (one Independent and one Magistrate/Lay Justice) as part of a wider return to 'business as usual' where improvement is integral; including resuming the process of preparing for a separate Cumbria budget and policing plan for 2007/08;
5. **Investigating** alternative options for dealing with the 'Gap' identified by O'Connor. As Tony McNulty has indicated, this presents all partners with a positive opportunity for constructive and creative, lateral thinking about policing. A process where this Authority can properly fulfil an important part of its legal and constitutional role by participating closely with the Constabulary in examining at a strategic level what other ways there are of improving current arrangements in 'Protective Policing' services. This may include continuing to explore those collaboration initiatives with Lancashire (or other neighbours) which can offer some of the savings and benefits anticipated from merger, including those methods capable of being pursued across the whole north-west region

Clive Alcock
Clerk & Chief Executive

17th July 2006

Background Documents

Home Office statements, correspondence, and representations of stakeholders

Race and Diversity Implications:

As specifically-identified nationally in the Home Office impact assessment.

Human Rights Act Implications:

Under the right to life, members of the public are entitled to the assurance of Protective (and other) Policing services designed and delivered to a reasonable standard adequate to protect that right. The restructuring process is promulgated on that primary basis and any alternative solutions followed must retain that aim.

CUMBRIA POLICE AUTHORITY

Special Meeting:

FORM OF RESOLUTION:

Proposed:

Seconded:

We, the members of the **Cumbria Police Authority**, on the basis of:

(1) having **satisfied ourselves**, according to proper requirements of **due diligence**, *either* (i) that the following heads or criteria of **efficient and effective policing** are reliably **met**, *or else* (ii) that sufficient **advice** or **reassurances** are in place to assure their delivery in due course; namely in matters of :

- **Operational and Protective Policing services** (for improving their efficiency and effectiveness of delivery, in the best interests of policing Cumbria);
- **Finance** (in Start-up and Transitional costs; Grant Funding formulae applied);
- **Precept equalisation** (equitable arrangements for Council tax payers);
- **Governance of police authorities** (in Transitional; Strategic and sub-strategic accountability, including precept & membership arrangements);
- **Human Resources** (assuring fair treatment for police officers & police staff to build an organisation fit to deliver);
- **Timetabling** (in establishing certain timing and a smooth change process);

And:

(2) In accordance with **Section 32(3) (a) of the Police Act 1996**;

And:

(3) Conditional upon those outstanding issues falling within Para 1 (ii) above being resolved in negotiations under the draft Order procedure to our conclusive satisfaction by no later than 1st May 2006

Therefore resolve to request the **Home Secretary**, the Rt. Honourable Charles Clarke M.P., to exercise his statutory **power to make an order** altering police areas under **section 32(1)** of the Police Act 1996; so as to amalgamate the **Cumbria Constabulary** with the **Lancashire Constabulary** police areas.

RESOLVED this day: **Friday, 24th February 2006**



The Rt.Hon. Tony Blair MP
Prime Minister
10, Downing Street
London

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Date: 14th July 2006

Dear Prime Minister,

Proposed merger of the Cumbria and Lancashire Constabularies

I have been instructed to write to you by the Chairman of Cumbria Police Authority, Councillor Reg Watson, as a result of an explanation which you gave to the Leader of Her Majesty's Opposition during Prime Minister's Question Time in the House of Commons on Wednesday, 12th July 2006, about the failure of the above process.

I refer to Hansard, column 1383, and to the words in bold from the paragraph below:
*"**The Prime Minister:** For exactly the reason that my right hon. Friend gave to the Minister for Policing, Security and Community Safety, my hon. Friend the Member for Harrow, East (Mr. McNulty), this morning, we do not believe—although we have listened to the representations that have been made—that it is sensible to force the merger. **Let me explain to the right hon. Gentleman about Lancashire and Cumbria. The reason for the difficulty there is that they cannot agree on the equalisation of the precept—but it is still important, and will be important in parts of the country, for there to be either a merger of forces or a far better strategic capability that crosses borderlines**".*

To those present or the ordinary, reasonable reader, this failure to agree sounds like it was the responsibility of Lancashire and Cumbria - of their respective police authorities. (To whom, as you are aware, section 32(3)(a) Police Act 1996 reserves sole entitlement to volunteer for merger or alteration in their police area, and not to the police). As a result, our concern is that your statement will reek to others of our intransigence and irresponsibility, when nothing could be further from the truth.

Throughout the ten months of our constructive, co-operative negotiations with your officials and ministers; within that conditional resolution to volunteer which the Authority

passed on 24th February 2006, and through numerous letters, releases and public statements drawing their attention to the point (Lancashire's oft-quoted "*Deal-Breaker*"); both **our Authorities have repeatedly sought to make very sure that your officials clearly understood just how important it was that this pre-eminent question of precept harmonization was conclusively resolved**, long before the final decision day drew close.

In the event, on Monday 10th July 2006, we attended upon your Policing Minister colleague, the Rt. Hon. Tony McNulty MP, for his preview of what solutions would finally be offered us, towards the key, surviving questions of finance and rate harmonisation. The Minister's immediate frankness (at least) we appreciated, as with his sincere apologies to us and his honourable willingness to accept where the blame lay, but there was no solution to be had. He it was who called a 'halt', there and then, not the chief constables or the police authority chairs.

That is why I am instructed by the Chairman to request your urgent clarification and correction of the unjust and incorrect interpretation otherwise attaching quite naturally to your chosen words of 12th July 2006 before The House. If you were willing and able to issue this clarification before the major distortion we are seeking to prevent hits the weekend newspapers within Cumbria and so enters the folklore, then this is something we would particularly appreciate.

I look forward to hearing from you.

Yours sincerely,

Handwritten signature of Clive Alcock in black ink, with a horizontal line underneath.

Clive Alcock
Clerk & Chief Executive